California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

NOTICE OF PUBLIC HEARING

for

WASTE DISCHARGE AND PRODUCER/USER WATER RECYCLING REQUIREMENTS
(National Pollutant Discharge Elimination System Permit)
ORDER NO. R8-2005-0098, NPDES NO. CA0105376
for
CITY OF BEAUMONT
WASTEWATER TREATMENT PLANT NO. 1
Riverside County

On the basis of preliminary staff review and application of lawful standards and regulations, the California Regional Water Quality Control Board, Santa Ana Region, proposes to reissue waste discharge and producer/user water recycling requirements for the City of Beaumont's Wastewater Treatment Plant No. 1 for the discharge of tertiary treated wastewater to Cooper's Creek, which is tributary to San Timoteo Creek and the Santa Ana River, Reach 5.

The Board is seeking comments concerning the proposed waste discharge requirements and the potential effects of the discharge on the water quality and beneficial uses of the affected receiving waters.

The Board will hold a public hearing to consider adoption of the proposed waste discharge requirements as follows:

| | |
|---|---|
| DATE: | September 30, 2005 |
| TIME: | 9:00 a.m. |
| PLACE: | Orange County Sanitation District<br>10844 Ellis Avenue<br>Fountain Valley |

Interested persons are invited to submit written comments on the proposed Order No. R8-2005-0098. Interested persons are also invited to attend the public hearing and express their views on issues relating to the proposed Order. Oral statements will be heard, but should be brief to allow all interested persons time to be heard. For the accuracy of the record, all testimony (oral statements) should be submitted in writing.

Although all comments that are provided up to and during the public hearing on this matter will be considered, receipt of comments by September 12, 2005 would be appreciated so that they can be used in the formulation of the draft Order that will be transmitted to the Board two weeks prior to the hearing. The draft Order may contain changes resulting from comments received from the public. To view on/or download a copy of the draft Order, please access our website at *www.swrcb.ca.gov/rwqcb8* on or after September 19, 2005.

The Board's proposed Order, related documents, and all comments and petitions received may be inspected and copied at the Regional Board office, 3737 Main Street, Suite 500, Riverside, CA 92501-3348 (phone 951-782-4130) by appointment scheduled between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. Copies of the proposed Order will be mailed to interested persons upon request to J. Shami (951) 782-3288.

Any person who is physically challenged and requires reasonable accommodation to participate in this Regional Board Meeting should contact Catherine Ehrenfeld at (951) 782-3285 no later than September 19, 2005.

California Regional Water Quality Control Board
Santa Ana Region

September 30, 2005

**ITEM:**

**SUBJECT:** Renewal of Waste Discharge Requirements for the City of Beaumont's Wastewater Treatment Plant No. 1, Order No. R8-2005-0098, NPDES No. CA0105376, Riverside County

**DISCUSSION:**

See attached Fact Sheet

**RECOMMENDATIONS:**

Adopt Order No. R8-2005-0098, NPDES No. CA0105376 as presented.

**COMMENT SOLICITATION:**

Comments were solicited from the discharger and the following agencies:

U.S. Environmental Protection Agency, Permits Issuance Section (WTR-5) – Doug Eberhardt
U.S. Army District, Los Angeles, Corps of Engineers, Regulatory Branch
U.S. Fish and Wildlife Service – Carlsbad
State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
State Water Resources Control Board, Division of Water Quality – Jim Maughan
California Department of Health Services, San Diego – Steve Williams
State Department of Water Resources - Glendale
State Department of Fish and Game – Long Beach
Orange County Water District – Nira Yamachika
Riverside County Department of Environmental Health Services
Riverside County Transportation/Flood Control Department
Santa Ana River Dischargers Association
City of Beaumont – Alan Kapanicas
Orange County Coastkeeper – Garry Brown
Lawyers for Clean Water C/c San Francisco Baykeeper
Wildermuth Environmental, Inc. – Kristal Davis

# California Regional Water Quality Control Board

## Santa Ana Region

3737 Main Street, Suite 500, Riverside, California 92501-3348
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http://www.waterboards.ca.gov/santaana

**Alan C. Lloyd, Ph.D.**
*Agency Secretary*

**Arnold Schwarzenegger**
*Governor*


**ORDER NO. R8-2005-0098**
**NPDES NO. CA0105376**

The following Discharger is authorized to discharge in accordance with the waste discharge requirements set forth in this Order:

| | |
|---|---|
| **Discharger** | **City of Beaumont** |
| **Name of Facility** | **Wastewater Treatment Plant No. 1, Beaumont** |
| **Facility Address** | **715 W. 4th Street** |
| | **Beaumont, CA 92223** |
| | **Riverside County** |

The Discharger is authorized to discharge from the following discharge points as set forth below:

| Discharge Point | Effluent Description | Discharge Point Latitude | Discharge Point Longitude | Receiving Water |
|---|---|---|---|---|
| 001 | Tertiary treated and disinfected | 33 º, 55', 24" N | 116º, 59', 34" W | Cooper's Creek; San Timoteo Management Zone (STMZ) |
| 002 | Recycled Water | 33 º, 55', 25" N | 116º, 59', 35" W | Beaumont Groundwater Management Zone |
| 003 | Stormwater | 33 º, 55', 25" N | 116º, 59', 31" W | Cooper's Creek; STMZ |
| 004 | Stormwater | 33 º, 55', 24" N | 116º, 59', 38" W | Cooper's Creek; STMZ |
| 005 | Stormwater | 33 º, 55', 23" N | 116º, 59', 42" W | Cooper's Creek, STMZ |
| 006 | Stormwater | 33 º, 55', 25" N | 116º, 59', 24" W | Cooper's Creek, STMZ |

| | |
|---|---|
| This Order was adopted by the Regional Water Board on: | **September 30, 2005** |
| This Order shall become effective on: | **September 30, 2005** |
| This Order shall expire on: | **September 30, 2010** |
| The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified this discharge as a major discharge. | |
| The Discharger shall file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of the Order expiration date as application for issuance of new waste discharge requirements. | |

**IT IS HEREBY ORDERED**, that Order No. 00-10 is superseded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted therein, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted therein, the Discharger shall comply with the requirements in this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that Order No. R8-2005-0098 with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on September 30, 2005.



**Gerard J. Thibeault,** Executive Officer

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
**REGION 8, SANTA ANA REGION**

**ORDER NO. R8-2005-0098**
**NPDES NO. CA8000100**

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## I. FACILITY INFORMATION

The following Discharger is authorized to discharge in accordance with the Waste Discharge Requirements set forth in this Order:

| | |
|---|---|
| **Discharger** | **City of Beaumont** |
| **Name of Facility** | **Wastewater treatment Plant No. 1, Beaumont** |
| **Facility Address** | **715 W. 4th Street** |
| | **Beaumont, CA 92223** |
| | **Riverside County** |
| **Facility Contact, Title, and Phone** | **Alan Kapanicas, City Manager, (951) 769-8534** |
| **Mailing Address** | **550 E. 6th Street, Beaumont, CA 92223** |
| **Type of Facility** | **POTW** |
| **Facility Design Flow** | **4 MGD** |

## II. FINDINGS

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Water Board), finds:

**A. Background.** The City of Beaumont (hereinafter Discharger) is currently discharging under Order No. 00-10 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0105376. The Discharger submitted a Report of Waste Discharge, dated October 28, 2004, and applied for a NPDES permit renewal to discharge up to 4 MGD of tertiary treated wastewater from the City of Beaumont Wastewater Treatment Plant No. 1, hereinafter Facility.

**B. Facility Description.** The Discharger operates Wastewater Treatment Plant No. 1 through Urban Logic Consultants, a private contractor. The treatment system consists of bar screens, aeration/equalization, clarification, sand filtration, UV disinfection, sludge thickening/drying, and aerobic digestion. Wastewater is discharged from Discharge point 001 to Cooper's Creek, which leads to San Timoteo Creek, Reach 3, a tributary to the Santa Ana River, Reach 5. Reach 3 of San Timoteo Creek is unlined and flows in the Creek recharge the underlying San Timoteo Management Zone. While the discharge is to Cooper's Creek, it is considered a *de facto* discharge to San Timoteo Creek and the San Timoteo Management Zone. A part of the wastewater produced at Treatment Plant No. 1 will be recycled for uses overlying the Beaumont Management Zone, including landscape irrigation. Attachment B shows the location of the facility. Attachment C provides a flow schematic of the treatment process at the facility.

**C. Legal Authorities.** This Order is issued pursuant to section 402 of the Federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and Chapter 5.5, Division 7 of the California Water Code (CWC). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC.

**D. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application and through monitoring and reporting programs. Attachment F, which contains background information and rationale for Order requirements, is hereby incorporated into this Order and constitutes part of the Findings for this Order. Attachments A through E and G through L are also incorporated into this Order.

**E. California Environmental Quality Act (CEQA).** This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with Section 13389 of the CWC.

**F. Technology-based Effluent Limitations.** The Code of Federal Regulations (CFR) at 40 CFR §122.44(a) requires that permits include applicable technology-based limitations and standards. This Order includes technology-based effluent limitations based on tertiary treatment or equivalent requirements that meet both the technology-based secondary treatment standards for publicly owned treatment works (POTWs) and protect the beneficial uses of the receiving waters. The Regional Water Board has considered the factors listed in CWC §13241 in establishing these requirements**.** A discussion of the development of the technology-based effluent limitations is included in the Fact Sheet (Attachment F).

**G. Water Quality-Based Effluent Limitations.** Section 122.44(d) of 40 CFR requires that permits include water quality-based effluent limitations (WQBELs) to attain and maintain applicable numeric and narrative water quality objectives to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR §122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State objectives or a State policy interpreting narrative objectives supplemented with other relevant information, or an indicator parameter. EPA and the State Water Board have determined that for toxic pollutants discharges to non-ocean waters, it is not practicable to express water quality-based effluent limitations as an average weekly and an average monthly, and recommend using a maximum daily and an average monthly effluent limitation for such discharges. This Order implements this recommendation.

**H. Water Quality Control Plans.** The Regional Water Board adopted a revised Water Quality Control Plan for the Santa Ana Region (hereinafter Basin Plan) that became effective on January 24, 1995. The Basin Plan designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters in the Santa Ana Region addressed through the plan. More recently, the Basin Plan was amended significantly to incorporate revised boundaries for groundwater subbasins, now termed "management zones", new nitrate-nitrogen and TDS objectives for the new management zones, and new nitrogen and TDS management strategies applicable to both surface and ground waters. This Basin Plan Amendment was adopted by the Regional Water Board on January 22, 2004. The State Water Resources Control Board (State Water Board) and Office of Administrative Law (OAL) approved the Amendment on September 30, 2004 and December 23, 2004, respectively. The surface water provisions of the Amendment are awaiting approval by the U.S. Environmental Protection Agency. This Order implements those provisions, which, for the City of Beaumont, are more stringent than those in the Basin Plan. In addition, State Water Board Resolution No. 88-63 requires that, with certain exceptions, the Regional Water Board assign the

municipal and domestic supply use to water bodies that do not have beneficial uses listed in the Basin Plan. Beneficial uses applicable to receiving waters are as follows:

| Discharge Point | Receiving Water Name | Beneficial Use(s) |
|---|---|---|
| 001, 003, 004, 005, and 006 | Copper's Creek and San Timoteo Creek, Reach 3[1] | a. Groundwater recharge,<br>b. Water contact recreation,<br>c. Non-contact water recreation,<br>d. Warm freshwater habitat,and<br>e. Wildlife habitat,. |
| 001, 003, 004, 005, and 006 | Santa Ana River, Reach 5[2] | a. Agricultural supply,<br>b. Groundwater recharge,<br>c. Water contact recreation,<br>d. Non-contact water recreation,<br>e. Warm freshwater habitat,<br>f. Wildlife habitat, and<br>g. Rare, threatened, or endangered species. |
| 001, 003, 004, 005, and 006 | San Timoteo Groundwater Management Zone | a. Municipal and domestic supply,<br>b. Agricultural Supply,<br>c. Industrial process supply, and<br>d. Industrial service supply |
| 002 | Beaumont Groundwater Management Zone | a. Municipal and domestic supply,<br>b. Agricultural Supply,<br>c. Industrial process supply, and<br>d. Industrial service supply |

Requirements of this Order specifically implement the applicable Water Quality Control Plans.

**I. Stormwater.** On April 17, 1997, the State Board adopted the General Industrial Storm Water Permit, Order No. 97-03-DWQ, NPDES No. CAS000001. This General Permit implements the Final Regulations (40 CFR 122, 123, and 124) for storm water runoff published on November 16, 1990 by EPA in compliance with Section 402(p) of the Clean Water Act (CWA). This Order includes pertinent provisions of the General Industrial Storm Water permit appropriate for this discharge. The Regional Water Board has determined that pollution prevention is necessary to achieve water quality objectives. Consequently, this Order requires the Discharger to establish, update as necessary and implement a pollution prevention plan and stormwater monitoring.

**J. National Toxics Rule (NTR) and California Toxics Rule (CTR).** USEPA adopted the NTR on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the CTR on May 18, 2000, which was amended on February 13, 2001. These rules include water quality criteria for priority pollutants and are applicable to this discharge.

[1] Excepted from municipal and domestic supply (MUN)

[2] Excepted from municipal and domestic supply downstream of Orange Avenue (Redlands)

**K. State Implementation Policy.** On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP*)*. The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Boards in their basin plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP became effective on May 18, 2000. The SIP includes procedures for determining the need for and calculating WQBELs and requires Dischargers to submit data sufficient to do so.

**L. Antidegradation Policy.** Section 131.12 of 40 CFR requires that State water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in the Fact Sheet (Attachment F), the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution 68-16.

**M. Anti-Backsliding Requirements.** Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR § 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order No. 00-10.

**N. Monitoring and Reporting.** Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program establishes monitoring and reporting requirements to implement federal and State requirements. This Monitoring and Reporting Program is provided in Attachment E.

**O. Standard and Special Provisions**. Standard Provisions, which in accordance with 40 CFR §§122.41 and 122.42, apply to all NPDES discharges and must be included in every NPDES permit, are provided in Attachment D. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet (Attachment F).

**P. Notification of Interested Parties.** The Regional Water Board has notified the Discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.

**Q. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

## III. DISCHARGE PROHIBITIONS

A. Wastes discharged shall be limited to tertiary treated and disinfected effluent.
B. Discharge of wastewater at a location or in a manner different from that described in the Findings is prohibited.
C. The bypass or overflow of untreated wastewater or wastes to surface waters or surface water drainage courses is prohibited, except as allowed in Standard Provision I.H. of Attachment D, Federal Standard Provisions.
D. The discharge of any substances in concentrations toxic to animal or plant life in the affected receiving water is prohibited.
E. The discharge of any radiological, chemical, or biological warfare agent or high level radiological waste is prohibited.

## IV. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

### A. Effluent Limitations:

1. Final Effluent Limitations

a. The discharge of tertiary treated wastewater shall maintain compliance with the following effluent limitations, with compliance measured at effluent box monitoring location (M-001), as described in the attached Monitoring and Reporting Program (Attachment E):

| Parameter | Units | Effluent Limitations | | | | |
|---|---|---|---|---|---|---|
| | | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Biochemical Oxygen Demand 5-day @ 20°C | mg/L | 20 | 30 | - - | - - | - - |
| | lbs/day | 667 | 1001 | - - | - - | - - |
| Total Suspended Solids | mg/L | 20 | 30 | - - | - - | - - |
| | lbs/day | 667 | 1001 | - - | - - | - - |
| pH | standard units | - - | - - | - - | 6.5 | 8.5 |
| Selenium | ug/L | 4 | - - | 8 | - - | - - |
| | lbs/day | 0.13 | - - | 0.27 | - - | - - |

b. Percent Removal: The average monthly percent removal of BOD 5-day 20°C and total suspended solids shall not be less than 85 percent.

c. TDS Limitations: The following TDS limitations apply to surface water discharges, with compliance measured at effluent box monitoring location (M-001), as described in the attached Monitoring and Reporting Program (Attachment E).

(1) Provided that maximum benefit is demonstrated (see Special Provisions C.1.a and C.1.b), TDS limits are specified as follows. The lower of the two total dissolved solids limits specified in (a) or (b), below, is the limit.

(a) The 12-month running average total dissolved solids concentration and mass emission rate shall not exceed 490 mg/l and 16,346 lbs/day[3], respectively, and
(b) The 12-month total dissolved solids concentration shall not exceed the 12-month average total dissolved solids concentration in the water supply by more than 250 mg/l.

(2) If maximum benefit is not demonstrated (see Special Provisions C.1.c), the 12-month running average total dissolved solids concentration and mass emission rate shall not exceed 320 mg/l and 10,675 lbs/day[4], respectively,

d. Total Inorganic Nitrogen (TIN) Limitations: The following TIN limitations apply to surface water discharges, with compliance measured at effluent box monitoring location (M-001), as described in the attached Monitoring and Reporting Program (Attachment E).

(1) Provided that maximum benefit is demonstrated (see Provision 1a and b), the 12-month running average TIN concentration and mass emission rate shall not exceed 6 mg/l and 200 lbs per day[5], respectively.
(2) If maximum benefit is not demonstrated (see Special Provisions C.1.c), the 12-month running average TIN concentration and mass emission rate shall not exceed 4.1 mg/l and 137 lbs per day[6], respectively.

e. The discharge shall at all times be adequately oxidized, filtered, and disinfected tertiary treated wastewater and shall meet the following limitations:

(1) The turbidity of the filter effluent shall not exceed any of the following:
(a) Average of 2 Nephelometric Turbidity Unit (NTU) within any 24-hour period;
(b) 5 NTU more than 5 percent of the time in any 24-hour period; and
(c) 10 NTU at any time.
(2) The 7-day median number of total coliform shall not exceed a Most Probable Number (MPN) of 2.2 total coliform bacteria per 100 milliliters (ml).
(3) The number of total coliform organism shall not exceed an MPN of 23 total coliform bacteria per 100 ml in more than one sample in any 30-day period.

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3 Calculated from 4 mgd x 8.34 x 490 mg/l.

4 Calculated from 4 mgd x 8.34 x 320 mg/l.

5 Calculated from 4 mgd x 8.34 x 6 mg/l.

6 Calculated from 4 mgd x 8.34 x 4.1 mg/l.

(4) No total coliform sample shall exceed an MPN of 240 total coliform bacteria per 100 ml.

2. Toxicity Requirements:

a. There shall be no acute or chronic toxicity in the plant effluent nor shall the plant effluent cause any acute or chronic toxicity in the receiving water. All waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in human, plant, animal, or indigenous aquatic life. This Order contains no numeric limitation for toxicity. However, the discharger shall conduct chronic toxicity monitoring.

b. The discharger shall implement the accelerated monitoring specified in Attachment E when the result of any single chronic toxicity test of the effluent exceeds 1.0 TUc.

c. The discharger shall develop an Initial Investigation Toxicity Reduction Evaluation (IITRE) work plan that describes the steps the discharger intends to follow if required by Toxicity Requirement No. 4, below. The work plan shall include at a minimum:

(1) A description of the investigation and evaluation techniques that will be used to identify potential causes/sources of the exceedance, effluent variability, and/or efficiency of the treatment system in removing toxic substances. This shall include a description of an accelerated chronic toxicity testing program.
(2) A description of the methods to be used for investigating and maximizing in-house treatment efficiency and good housekeeping practices.
(3) A description of the evaluation process to be used to determine if implementation of a more detailed TRE\TIE is necessary.

d. The discharger shall implement the IITRE work plan whenever the results of chronic toxicity tests of the effluent exceed:

(a) A two month median value of 1.0 TUc for survival or reproduction endpoint or,
(b) Any single test value of 1.7 TUc for survival endpoint.

e. The discharger shall develop a detailed Toxicity Reduction Evaluation and Toxicity Identification Evaluation (TRE/TIE) work plan that shall describe the steps the discharger intends to follow if the implemented IITRE fails to identify the cause of, or rectify, the toxicity.

f. The discharger shall use as guidance, at a minimum, EPA manuals EPA/600/2-88/070 (industrial), EPA/600/4-89-001A (municipal), EPA/600/6-91/005F (Phase I), EPA/600/R-92/080 (Phase II), and EPA-600/R-92/081 (Phase III) to identify the cause(s) of toxicity. If during the life of this Order the aforementioned EPA manuals are revised or updated, the revised/updated manuals may also be used as guidance. The detailed TRE/TIE work plan shall include:

(a) Further actions to investigate and identify the cause of toxicity;

(b) Actions the discharger will take to mitigate the impact of the discharge and to prevent the recurrence of toxicity; and

(c) A schedule for these actions.

g. The discharger shall implement the TRE/TIE workplan if the IITRE fails to identify the cause of, or rectify, the toxicity, or if in the opinion of the Executive Officer the IITRE does not adequately address an identified toxicity problem.

h. The discharger shall assure that adequate resources are available to implement the required TRE/TIE.

B. **Groundwater Limitations:** Limitations necessary to protect groundwater recharged by surface water discharges are specified in IV.A.-Effluent Limitations, above. Limitations necessary to protect groundwater as the result of recycled water use are specified in IV.C. Reclamation Specifications, below.

C. **Reclamation Specifications:**

1. Beginning October 1, 2005, the use of recycled water for landscape irrigation or other similar uses shall maintain compliance with the following limitations. Compliance is to be measured at monitoring location Rec-001 where representative samples of recycled water can be obtained for laboratory testing and analysis as described in the attached Monitoring and Reporting Program (Attachment E).

a. Physical/Biological Limitations:

| Parameter | Units | Recycled Water Limitations | | | | |
|---|---|---|---|---|---|---|
| | | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Minimum | Instantaneous Maximum |
| Biochemical Oxygen Demand 5-day @ 20°C | mg/L | 30 | 45 | - - | - - | - - |
| Total Suspended Solids | mg/L | 30 | 45 | - - | - - | - - |
| pH | standard units | - - | - - | - - | 6 | 9 |

b. TDS Limitations: The following TDS limitations apply to recycled water use sites overlying the Beaumont management zone:

(1) Provided that maximum benefit is demonstrated (see Special Provisions VI.C.1.a. and VI.C.1.b.), the 12-month running average total dissolved solids concentration shall not exceed 330 mg/l.

(2) If maximum benefit is not demonstrated (see Special Provisions VI.C.1.c.), the 12-month running average total dissolved solids concentration shall not exceed 230 mg/l.

c. Total Inorganic Nitrogen (TIN) Limitations: The following TIN limitations apply to recycled water use sites overlying the Beaumont management zone:

(1) Provided that maximum benefit is demonstrated (see Special Provisions VI.C.1.a. and VI.C.1.b.), the 12-month running average TIN concentration shall not exceed 6.67 mg/l.

(2) If maximum benefit is not demonstrated (see Special Provisions VI.C.1.c.), the 12-month running average TIN concentration shall not exceed 2 mg/l.

d. Selenium: The 12-month running average Selenium concentration shall not exceed 10 ug/L

e. Recycled water shall at all times be adequately oxidized, filtered, and disinfected tertiary treated wastewater and shall meet the following limitations:

(1) The turbidity of the filter effluent shall not exceed any of the following:
   (a) Average of 2 Nephelometric Turbidity Unit (NTU) within any 24-hour period;
   (b) 5 NTU more than 5 percent of the time in any 24-hour period; and
   (c) 10 NTU at any time.

(2) The 7-day median number of total coliform shall not exceed a Most Probable Number (MPN) of 2.2 total coliform bacteria per 100 milliliters (ml).

(3) The number of total coliform organism shall not exceed an MPN of 23 total coliform bacteria per 100 ml in more than one sample in any 30-day period.

(5) No total coliform sample shall exceed an MPN of 240 total coliform bacteria per 100 ml.

2. The use of recycled water shall only commence after final approval for such use is granted by the California Department of Health Services (CDHS). The Discharger shall provide the Regional Water Board with a copy of the CDHS approval letter within 30 days of the approval notice.

3. The Discharger shall be responsible for assuring that recycled water is delivered and utilized in conformance with this Order, the recycling criteria contained in Title 22, Division 4, Chapter 3, Sections 60301 through 60355, California Code of Regulations, and the "Guidelines for Use of Reclaimed Water" by the California Department of Health Services. The discharger shall conduct periodic inspections of the facilities of the recycled water users to monitor compliance by the users with this Order.

4. The Discharger shall establish and enforce Rules and Regulations for Recycled Water users, governing the design and construction of recycled water use facilities and the use of recycled water in accordance with the uniform statewide recycling criteria established pursuant to the California Water Code Section 13521.

a. Use of recycled water by the discharger shall be consistent with its Rules and Regulations for Recycled Water Use.

b. Any revisions made to the Rules and Regulations shall be subject to the review of the Regional Water Board, the California Department of Health Services, and the County of Riverside Department of Environmental Health. The revised Rules and Regulations or a letter certifying that the discharger's Rules and Regulations contain the updated provisions in this Order, shall be submitted to the Regional Water Board within 60 days of adoption of this Order by the Regional Water Board.

5. The Discharger shall, within 60 days of the adoption of this Order, review and update as necessary its program to conduct compliance inspections of recycled water reuse sites. Inspections shall determine the status of compliance with the discharger's Rules and Regulations for Recycled Water Use.

6. The storage, delivery, or use of recycled water shall not individually or collectively, directly or indirectly, result in a pollution or nuisance, or adversely affect water quality, as defined in the California Water Code

7. Prior to delivering recycled water to any new user, the discharger shall submit to the Regional Water Board, the California Department of Health Services and the Riverside County Health Department a report containing the following information for review and approval:

   a. The average number of persons estimated to be served at each use site area on a daily basis.
   b. The specific boundaries of the proposed use site area including a map showing the location of each facility, drinking water fountain, and impoundment to be used.
   c. The person or persons responsible for operation of the recycled water system at each use area.
   d. The specific use to be made of the recycled water at each use area.
   e. The methods to be used to assure that the installation and operation of the recycled system will not result in cross connections between the recycled water and potable water piping systems. This shall include a description of the pressure, dye or other test methods to be used to test the system.
   f. Plans and specifications which include following:
      1) Proposed piping system to be used.
      2) Pipe locations of both the recycled and potable systems.
      3) Type and location of the outlets and plumbing fixtures that will be accessible to the public.
      4) The methods and devices to be used to prevent backflow of recycled water into the potable water system.
      5) Plan notes relating to specific installation and use requirements.

8. The Discharger shall require the user(s) to designate an on-site supervisor responsible for the operation of the recycled water distribution system within the recycled water use area. The supervisor shall be responsible for enforcing this Order, prevention of potential hazards, the installation, operation and maintenance of the distribution system, maintenance of the distribution and irrigation system plans in "as-built" form, and for the distribution of the recycled wastewater in accordance with this Order.

## V. RECEIVING WATER LIMITATIONS

### A. Surface Water Limitations

1. Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this Order. The discharge shall not cause the following in Cooper's Creek, San Timoteo Creek, in the Santa Ana River, Reach 5, or in downstream Reaches of the Santa Ana River:

   a. Coloration of the receiving waters, which causes a nuisance or adversely affects beneficial uses.
   b. Deposition of oil, grease, wax or other materials in the receiving waters in concentrations which result in a visible film or in coating objects in the water, or which cause a nuisance or affect beneficial uses.
   c. An increase in the amounts of suspended or settleable solids in the receiving waters, which will cause a nuisance or adversely affect beneficial uses as a result of controllable water quality factors.
   d. Taste or odor-producing substances in the receiving waters at concentrations, which cause a nuisance or adversely affect beneficial uses.
   e. The presence of radioactive materials in the receiving waters in concentrations, which are deleterious to human, plant or animal life.
   f. The depletion of the dissolved oxygen concentration below 5.0 mg/l.
   g. The temperature of the receiving waters to be raised above 90°F (32°C) during the period of June through October, or above 78°F (26°C) during the rest of the year.
   h. The concentration of pollutants in the water column, sediments, or biota to adversely affect the beneficial uses of the receiving water. The discharge shall not result in the degradation of inland surface water communities and populations, including vertebrate, invertebrate, and plant species.

2. The discharge of wastes shall not cause a violation of any applicable water quality standards for receiving waters adopted by the Board or State Board, as required by the Clean Water Act and regulations adopted thereunder.

3. Pollutants not specifically mentioned and limited in this Order shall not be discharged at levels that will bioaccumulate in aquatic resources to levels, which are harmful to human health.

4. The discharge shall not contain constituent concentrations of mercury that will result in the bioaccumulation of methylmercury in fish flesh tissue greater than 0.3 milligram methylmercury/kilogram. (See also Section VI.C.2.g. and VI.C.3., below)

**B. Groundwater Limitations** for recycled water use at sites overlying the Beaumont Groundwater Management Zone.

1. The use of recycled water shall not cause the underlying groundwater to be degraded, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.

## VI. PROVISIONS

### A. Standard Provisions

1. **Federal Standard Provisions.** The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.

2. **Regional Water Board Standard Provisions.** The Discharger shall comply with the following provisions:

   a. Neither the treatment nor the discharge of waste shall create, or threaten to create, a nuisance or pollution as defined by Section 13050 of the California Water Code.

   b. The discharger shall optimize chemical additions needed in the treatment process to meet waste discharge requirements so as to minimize total dissolved solid increases in the recycled water.

   c. The discharger shall conduct a Pollutant Minimization Program (PMP) when there is evidence that the priority pollutant is present in the effluent above an effluent limitation (e.g., sample results reported as detected but not quantified (DNQ) when the effluent limitation is less than the MDL, sample results from analytical methods more sensitive than those methods included in the permit, presence of whole effluent toxicity, health advisories for fish consumption, results of benthic or aquatic organism tissue sampling) and either: (i) A sample result is reported as DNQ and the effluent limitation is less than the reported ML; or (ii) A sample result is reported as ND and the effluent limitation is less than the MDL. The PMP shall include, but not be limited to, the following actions and submittals acceptable to the Regional Water Board:

      (1) An annual review and semi-annual monitoring of potential sources of the reportable priority pollutant(s), which may include fish tissue monitoring and other bio-uptake sampling;
      (2) Quarterly monitoring for the reportable priority pollutant(s) in the influent to the wastewater treatment system;

(3)Submittal of a control strategy designed to proceed toward the goal of maintaining concentrations of the reportable priority pollutant(s) in the effluent at or below the effluent limitation;

(4)Implementation of appropriate cost-effective control measures for the reportable priority pollutant(s), consistent with the control strategy; and

(5)An annual status report that shall be sent to the Regional Water Board including:

(a) All PMP monitoring results for the previous year;

(b) A list of potential sources of the reportable priority pollutant(s);

(c) A summary of all actions undertaken pursuant to the control strategy; and

(d) A description of actions to be taken in the following year.

d. The discharger shall maintain a copy of this Order at the site so that it is available to site operating personnel at all times. Key operating personnel shall be familiar with its content.

e. The discharger shall take all reasonable steps to minimize any adverse impact to receiving waters resulting from noncompliance with any requirements specified in this Order, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

f. The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.

g. Collected screenings, sludge, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Regional Water Board's Executive Officer.

h. If the discharger demonstrates a correlation between the biological oxygen demand (BOD) and total organic carbon (TOC) concentrations in the effluent to the satisfaction of the Executive Officer, compliance with the BOD limits contained in this Order may be determined based on analyses of the TOC of the effluent.

i. In the event of any change in control or ownership of land or waste discharge facility presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be forwarded to the Regional Water Board.

j. The treatment facilities shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100-year return frequency.

## B. Monitoring and Reporting Program Requirements

The Discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment E of this Order. This monitoring and reporting program may be modified by the Executive Officer at any time during the term of this Order, and may include an increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected. Any increase in the number of parameters to be monitored, the frequency of the monitoring or the number and size of samples to be collected may be reduced back to the levels specified in the original monitoring and reporting program at the discretion of the Executive Officer.

## C. Special Provisions

1. Maximum Benefit Provisions:

   a. The discharger shall implement the maximum benefit commitments specified in Attachment L in accordance with the compliance date(s) stipulated therein[7].

   b. For the San Timoteo Management Zone, the demonstration of maximum benefit is contingent on the Discharger's effective implementation of the maximum benefit commitments specified in Attachment L and on the effective implementation by the Yucaipa Valley Water District of maximum benefit commitments specified in the Basin Plan (Table 5-9a) (see Attachment F, Fact Sheet, page 17).

   c. If the discharger elects not to implement the maximum benefit commitments specified in Attachment L, or if the Regional Board determines that the maximum benefit commitments are not being implemented effectively by the Discharger in accordance with the schedule prescribed in Attachment L, or if the Regional Board determines that the Yucaipa Valley Water District is not implementing its maximum benefit commitments pertaining to the San Timoteo Management Zone[8], then the discharger shall mitigate TDS and nitrogen discharges affecting the San Timoteo and Beaumont GMZs that took place in excess of the limits specified in Sections IV.A.1.c. and IV.A.1.d., and Sections IV.C.1.b. and IV.C.1.c. A proposed mitigation plan and schedule shall be submitted within 60-days of notification by the Regional Board Executive Officer of the need to do so. The discharger shall implement the plan and schedule upon approval by the Regional Board.

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[7] The Discharger has not yet proposed specific plans to implement recycled water recharge projects. Accordingly, appropriate requirements for such projects are not specified in this Order. Therefore, compliance with the recycled water recharge maximum benefit commitment specified in Attachment L, item 5, is not now required to assure effective maximum benefit implementation. This Order will be reconsidered and revised as necessary to implement relevant maximum benefit commitments if and when the Discharger proposes recycled water projects.

[8] See Fact Sheet, page F-17

2. Reopener Provisions

a. This Order may be reopened to address any changes in State or federal plans, policies or regulations that would affect the quality requirements for the discharges.

b. This Order may be reopened once the 2004 Basin Plan amendment is approved by EPA, to include revised waste load allocations for discharges to Cooper's Creek as specified in the 2004 amended Basin Plan.

d. This Order may be reopened to include effluent limitations for pollutants determined to be present in the discharge in concentrations that pose a reasonable potential to cause or contribute to violations of water quality objectives.

e. This Order may be reopened and modified in accordance with the requirements set forth at 40 CFR 122 and 124, to include the appropriate conditions or limits to address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new State water quality standards applicable to effluent toxicity.

f. This Order may be reopened to incorporate appropriate biosolids requirements if the State Water Resources Control Board and the Regional Water Quality Control Board are given the authority to implement regulations contained in 40 CFR 503.

g. This Order may be reopened to include an appropriate bioaccumulation based effluent limit for mercury if test results (as required in Attachment E of this Order) show that the concentration levels of methylmercury in the fish tissue are at or above 0.3 milligrams per kilogram.

3. Special Studies, Technical Reports and Additional Monitoring Requirements

By November 1, 2004, the discharger shall notify the Executive Officer of its continuous involvement with the comprehensive mercury investigation program currently being conducted by a group of Santa Ana River system dischargers. If the discharger discontinues its involvement with this comprehensive program, the discharger shall, within 60 days of that date, submit for the approval of the Executive Officer its plan for the annual testing of mercury levels in fish flesh samples collected from the Santa Ana River, upstream of, at, and downstream of the point of the River's confluence with San Timoteo Creek. Upon approval, the discharger shall implement the plan.

4. Best Management Practices and Pollution Prevention

a. Storm water discharges shall not result in noncompliance with the lawful requirements of municipalities, counties, drainage districts, and other local agencies on storm water discharges into storm drain systems or other courses under their jurisdiction.

b. Stormwater Pollution Prevention Plan - The discharger must update and implement the Storm Water Pollution Prevention Plan for the treatment facility in accordance with Attachment "J" of this Order.

c. Best Management Practices Plan. The Discharger shall develop, notify the Regional Water Board of completion, and implement within 90 days of the effective date of this Order, a Best Management Practices Plan (BMPP). If necessary, the plan, or any existing plan, shall be updated to address any changes in operation and/or management of the facility. Notification that a plan has been updated shall be submitted to the Regional Water Board within 30 days of revision.

The BMPP shall be consistent with the general guidance contained in the EPA *Guidance Manual for Developing Best Management Practices (BMPs)* (EPA 833-B-93-004). In particular, a risk assessment of each area identified by the Discharger shall be performed to determine the potential for hazardous or toxic waste/material discharge to surface waters.

5. Construction, Operation and Maintenance Specifications

a. The discharger's wastewater treatment plant shall be supervised and operated by persons possessing certificates of appropriate grade pursuant to Title 23, Division 3, Chapter 14, California Code of Regulations.

b. The discharger shall provide safeguards to assure that should there be reduction, loss, or failure of electric power, the discharger will comply with the requirements of this Order.

c. The discharger shall update as necessary, the "Operation and Maintenance Manual (O&M Manual)" which it has developed for the treatment facility to conform to latest plant changes and requirements. The O&M Manual shall be readily available to operating personnel onsite. The O&M Manual shall include the following:

(1) Description of the treatment plant table of organization showing the number of employees, duties and qualifications and plant attendance schedules (daily, weekends and holidays, part-time, etc). The description should include documentation that the personnel are knowledgeable and qualified to operate the treatment facility so as to achieve the required level of treatment at all times.
(2) Detailed description of safe and effective operation and maintenance of treatment processes, process control instrumentation and equipment.
(3) Description of laboratory and quality assurance procedures.
(4) Process and equipment inspection and maintenance schedules.
(5) Description of safeguards to assure that, should there be reduction, loss, or failure of electric power, the discharger will be able to comply with requirements of this Order.
(6) Description of preventive (fail-safe) and contingency (response and cleanup) plans for controlling accidental discharges, and for minimizing the effect of such events. These plans shall identify the possible sources (such as loading and storage areas, power outage, waste treatment unit failure, process equipment failure, tank and piping failure) of accidental discharges, untreated or partially treated waste bypass, and polluted drainage.

6. Special Provisions for Municipal Facilities (POTWs Only)

a. Sludge Disposal Requirements

(1) Collected screenings, sludge, and other solids removed from liquid wastes shall be disposed of in a manner that is consistent with State Water Resources Control Board and Integrated Waste Management Board's joint regulations (Title 27) of the California Code of Regulations and approved by the Water Board's Executive Officer.

(2) The use and disposal of biosolids shall comply with existing Federal and State laws and regulations, including permitting requirements and technical standards included in 40 CFR 503.

(3) Any proposed change in biosolids use or disposal practice from a previously approved practice should be reported to the Executive Officer and EPA Regional Administrator at least 90 days in advance of the change.

(4) The discharger shall take all reasonable steps to minimize or prevent any discharge or biosolids use or disposal that has the potential of adversely affecting human health or the environment.

b. The Discharger shall submit a monthly report that validates that recycled water used for recharge is an oxidized and filtered wastewater. The report shall include:

(1) Description of when, how often and whether coagulation of the wastewater is employed in the treatment process. If coagulation is not used at all times, the users shall:

i. Continuously monitor the turbidity of the influent to the filters. Turbidity exceedances of 10 NTU or above at any time, and of 5 NTU for more than 15 minutes, shall be included in the monthly report;
ii. Certify that chemical addition for coagulation has been automatically employed when the filter influent turbidity exceeds 5 NTU for more than 15 minutes.

(2) Description of the type and rate of filtration employed in the treatment process.

## VII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in Section IV of this Order will be determined as specified below:

**A. Average Monthly Effluent Limitation (AMEL).**
If the average of daily discharges over a calendar month exceeds the AMEL for a given parameter, an alleged violation will be flagged and the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). The average of daily discharges over the calendar month that exceeds the AMEL for a parameter will be considered out of compliance for that month only. If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month. (See also paragraph VII.M.2., below)

**B. Average Weekly Effluent Limitation (AWEL).**
If the average of daily discharges over a calendar week exceeds the AWEL for a given parameter, an alleged violation will be flagged and the Discharger will be considered out of compliance for each day of that week for that parameter, resulting in 7 days of non-compliance. The average of daily discharges over the calendar week that exceeds the AWEL for a parameter will be considered out of compliance for that week only. If only a single sample is taken during the calendar week and the analytical result for that sample exceeds the AWEL, the Discharger will be considered out of compliance for that calendar week. For any one calendar week during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar week.

**C. Maximum Daily Effluent Limitation (MDEL).**
If a daily discharge exceeds the MDEL for a given parameter, an alleged violation will be flagged and the Discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

**D. Instantaneous Minimum Effluent Limitation.**
If the analytical result of a single grab sample is lower than the instantaneous minimum effluent limitation for a parameter, a violation will be flagged and the Discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both are lower than the instantaneous minimum effluent limitation would result in two instances of non-compliance with the instantaneous minimum effluent limitation).

**E. Instantaneous Maximum Effluent Limitation.**
If the analytical result of a single grab sample is higher than the instantaneous maximum effluent limitation for a parameter, a violation will be flagged and the Discharger will be considered out of compliance for that parameter for that single sample. Non-compliance for each sample will be considered separately (e.g., the results of two grab samples taken within a calendar day that both exceed the instantaneous maximum effluent limitation would result in two instances of non-compliance with the instantaneous maximum effluent limitation).

**F.** Compliance with the 12-month average limit under Discharge Specification IV.A.1.c. and IV.A.1.d. shall be determined by the arithmetic mean of the last twelve monthly averages.

**G.** Compliance determinations for total chlorine residual shall be based on 99% compliance. To determine 99% compliance with the effluent limitation specified in Discharge Specification IV.A.1.a. for total chlorine residual, the following conditions shall be satisfied.

a. The total time during which the total chlorine residual values are above 0.1 mg/l (instantaneous maximum value) shall not exceed 7 hours and 26 minutes in any calendar month;
b. No individual excursion from 0.1 mg/l value shall exceed 5 minutes; and
c. No individual excursion shall exceed 5.0 mg/l.

**H.** The Discharger shall be considered in compliance with Discharge Specifications IV.A.1.e.(1) if the following conditions are met. If the discharger is using a properly operating backup turbidimeter, the reading of the backup turbidimeter shall be considered in determining whether there has been an actual noncompliance:

a. There are no excursions above the limits specified in Discharge Specifications IV.A.1.e.(1)(a) and (b);
b. Exceedances of the "10 NTU at any time" turbidity requirement do not exceed a duration of one minute.
c. The apparent exceedance was caused by interference with, or malfunction of, the monitoring instrument.

**I.** Compliance with the weekly average total coliform limit expressed in Discharge Specification A.1.e.(2) shall be based on a running median of the test results from the previous 7 days. To comply with the weekly average limit, the 7-day median MPN must not exceed 2.2 per 100 milliliters on any day during the week. However, only one violation is recorded for each calendar week, even if the 7-day median MPN value is greater than 2.2 for more than one day in the week.

**J.** Pursuant to 40 CFR 401.17, the discharger shall be in compliance with the pH limitation specified in Discharge Specification IV.A.1.a., above, provided that both of the following conditions are satisfied:

1. The total time during which the pH values are outside the required range of 6.5-8.5 pH values shall not exceed 7 hours and 26 minutes in any calendar month; and

2. No individual excursion from the range of pH values shall exceed 60 minutes.

**K.** Compliance determinations shall be based on available analyses for the time interval associated with the effluent limitation. Where only one sample analysis is available in a specified time interval (e.g., monthly or weekly average), that sample shall serve to characterize the discharge for the entire interval. If quarterly sample results show noncompliance with the average monthly limit and that sample result is used for compliance determinations for each month of the quarter, then three separate violations of the average monthly limit shall be deemed to have occurred.

**L.** Compliance with a single effluent limitation which applies to a group of chemicals (e.g., PCBs), based on a single sample shall be determined by considering the concentrations of individual members of the group to be zero if the analytical response for the individual chemical falls below the method detection limit (MDL or PQL) for that chemical.

**M.** For priority pollutants, the discharger shall be deemed out of compliance with an effluent limitation if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation.

1. Compliance determination shall be based on the minimum level (ML)[8] specified in Attachment "G" of this Order, unless an alternative minimum level is approved by the Regional Water Board's Executive Officer. When there is more than one ML value for a given substance, the discharger shall select the ML value that is below the calculated effluent limitation, and use its associated analytical method, listed in Attachment "G" of this Order. If no ML value is below the effluent limitation, then the Regional Water Board will select the lowest ML value and its associated analytical method.

2. When determining compliance with an average monthly limit and more than one sample result is available in a month, the discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of detected but not quantified (DNQ) or not detected (ND). In those cases, the discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

   a. The data set shall be ranked from low to high, reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.

[8] Minimum level is the concentration at which the entire analytical system must give a recognizable signal and acceptable point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

b. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ. If a sample result, or the arithmetic mean or median of multiple sample results, is below the reported ML, and there is evidence that the priority pollutant is present in the effluent above an effluent limitation and the discharger conducts a pollutant minimization program (PMP)[9] , the discharger shall not be deemed out of compliance.

**N.** For non-priority pollutants, the discharge shall be considered to be in compliance with an effluent limitation that is less than or equal to the practical quantitation level (PQL)[10] specified in Attachment "I" of this Order if the arithmetic mean of all test results for the monitoring period is less than the constituent effluent limitation. Analytical results that are less than the specified PQL shall be assigned a value of zero.

[9] The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation.

[10] PQL is the lowest concentration of a substance that can be determined within ± 20 percent of the true concentration by 75 percent of the analytical laboratories tested in a performance evaluation study. Alternatively, if performance data are not available, the PQL is the method detection limit (MDL) x 5 for carcinogens and MDL x 10 for noncarcinogens